

STATE OF MINNESOTA

COUNTY OF HENNEPIN

22-mj-140 (DTS)

I, Dennis L. Howe, Jr., being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of a complaint and application for a warrant for the arrest of Michael Lee Kurkowski (hereafter Kurkowski) for violations of Title 18, United States Code, Section 875(c) (threatening interstate communication).

2. I am a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice, and have been since January 2008. I am currently assigned to the FBI's Minneapolis Division, Rochester Resident Agency. My current duties involve investigating a range of federal offenses, including crimes against children, threats, fraud, and conspiracies to commit those crimes.

3. This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached complaint and arrest warrant, and therefore contains only a summary of the relevant facts. I have not included each and every fact known by me concerning the individuals and events described herein. The information contained in this affidavit is based on my firsthand knowledge, review of records, and information provided by other law enforcement officers and witnesses.

4. Based upon all the facts and information set forth in this affidavit, I believe that probable cause exists to support that, on and between January 31 and February 4, 2022,

in the State and District of Minnesota, Michael Lee Kurkowski, has sent threatening interstate communication in violation of Title 18, United States Code, Section 875.

5. Threatening interstate communications, in violation of 18 U.S.C. § 875(c), includes transmitting in interstate or foreign commerce any communication containing a threat to injure the person of another. The statutory penalty for violating this offense is imprisonment for not more than five years.

### **PROBABLE CAUSE**

6. On March 8, 2021, victim E.K. (DOB 08/XX/2002), who resides in Upper Allen Township of Cumberland County, Pennsylvania, reported to the Upper Allen Township Police Department (UATPD) that an adult male had exchanged nude images with him when E.K. was under the age of 18. The suspect was identified as Kurkowski, a then-25-year-old man who lived in Minnesota. The communication and exchange of sexually-explicit images between E.K. and Kurkowski had been occurring for the past several years. E.K. had tried to end the online “relationship,” but Kurkowski would not agree to end it. UATPD reviewed records from E.K.’s cell phone, which included a video link received from Kurkowski which included a thumbnail image of a naked adult male. After the link was sent, Kurkowski discussed having sex with E.K. At that time, E.K. was 16 years old.

7. On March 22, 2021, Kurkowski was seen at E.K.’s place of employment. Later that same night, UATPD located Kurkowski at the Hampton Inn located in Camp Hill, Pennsylvania. UATPD interviewed Kurkowski, and he admitted to coming to Pennsylvania to locate E.K. and to try to continue a relationship. Kurkowski knew E.K.’s date

of birth, and admitted to communicating with E.K. since E.K. was 15 years old. Kurkowski admitted to sending pornographic images and videos to E.K. when E.K. was under the age of 18. Kurkowski also admitted to receiving sexually-explicit images and videos of E.K. when E.K. was under the age of 18.

8. On March 23, 2021, UATPD conducted a second interview with Kurkowski. During the interview, Kurkowski allowed UATPD investigators to view his iPod photographs. UATPD found a video from June 29, 2020 which showed a penis being masturbated. Kurkowski recognized the video and confirmed that it was a video of E.K. At that time, the iPod was seized pending the application of a search warrant. UATPD obtained a search warrant, and the iPod contents were downloaded, including the contraband video from June 29, 2020. UATPD also spoke to E.K. and confirmed that E.K. sent the June 2020 video. Therefore, Kurkowski possessed a sexually-explicit video of E.K. masturbating, at a time when Kurkowski knew E.K. was under the age of 18.

9. Based on the facts learned in the investigation, Kurkowski was charged with violations of the Pennsylvania (PA) Crimes Code. Kurkowski was arrested on April 14, 2021 and charged with felony child pornography, dissemination of sexually explicit material to minors, communication with minors-sexual abuse and criminal use of a communication facility, as well as misdemeanor corruption of minors. Kurkowski was extradited to Pennsylvania from Minnesota for the prosecution of the case.

10. On January 22, 2022, Kurkowski signed a document acknowledging his Cumberland County adult probation conditions. Kurkowski's conditions include: (a) remaining on good behavior and refraining from behavior which may present a danger to

yourself or others; (b) submitting to a search of your person, vehicle, residence, or lodging with or without a warrant; and (c) not possessing any weapons in your residence, vehicle, or person while on active supervision. Kurkowski was also required to register as a sex offender.

11. On December 31, 2021, East Peoria Police Department (EPPD) in Peoria, Illinois received a tip submitted from an adult woman named Rachel Sxxxxxxxx<sup>1</sup> (hereafter “Rachel”). Rachel had recently been granted custody of her 16-year-old nephew F.S. Rachel said F.S. had been communicating with an adult male over the internet and sending photographs of a sexual nature to the male. The male identified himself as Michael Kurkowski from Minnesota. Rachel said F.S. previously lived in Iowa and had been communicating online with Kurkowski prior to moving to Illinois. Rachel explained that F.S. had told her that one of his friends, a 13-year-old boy referred to as “Dexter” in Iowa, had also been in communication with Kurkowski and had sent naked photographs of himself to Kurkowski at Kurkowski’s request.

12. Rachel recently discovered photos of F.S.—some were shirtless and some of F.S.’s buttocks that were sent to Kurkowski at number (507) 363-0354. (I know that the 507 area code is associated with the southern fifth of Minnesota.) Rachel and F.S. told EPPD that Kurkowski used an “app” where he could change his telephone number and text from other numbers as well. Rachel preserved the photos and communication in case it were later to get deleted.

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<sup>1</sup> The last name of Rachel is known to me. I am not including it in this affidavit because it is the last name of minor victim F.S. and want to protect disclosure of his identity under 18 U.S.C. § 3509 and Local Rule 49.1.

13. Rachel reported that Kurkowski had texted F.S. that he was going to kill his previous victim and the victim's family for ruining his life and turning him in to the authorities. EPPD investigators learned through open source searches that Kurkowski had been charged with a similar crime in Pennsylvania. EPPD investigators contacted Rachel and asked her to send a photograph of the person F.S. had identified as Kurkowski if she had one.

14. On January 2, 2022, EPPD investigators received an email from Rachel. The email contained photographs which identified the male F.S. was communicating with as the same Kurkowski who had been charged with child pornography in Pennsylvania. Rachel also included several messages from Kurkowski to F.S. describing his plan to travel to Pennsylvania where Kurkowski would murder the parents of his victim, rape his sister, and then kill her in front of his former victim. Various social media platforms, including Snapchat, text messages, iMessages, FaceTime, and Grindr were used during the course of communication between F.S. and Kurkowski. All social media platforms referenced above use an internet connection. Some, if not all of the communications referenced above and hereafter are believed to have taken place while Kurkowski was in Minnesota, and the victims Kurkowski was communicating with were in Pennsylvania, Illinois, and Iowa. Therefore, based on my training and experience, I believe the internet was used by Kurkowski to communicate and through the use of an Apple device.

15. On January 4, 2022 EPPD investigators reviewed the information and identified messages of concern in F.S.'s phone from the contact "Michael." In the messages, Kurkowski gave F.S. a very descriptive explanation about how he wanted to "murder" his

ex-boyfriend “Ethan.” Kurkowski wanted to use F.S. to lure Ethan’s sister out of their house, and Kurkowski would then use the sister to gain entry. Kurkowski would then kill “Ethan” and his family in various tortured ways. (See Attachment A, incorporated here by reference, for snapshots Rachel provided of the threatening interstate communication F.S. received from Kurkowski.) Rachel was concerned the messages would be deleted from social media platforms being used such as Snapchat, iMessage, and text messages and wanted to preserve the evidence. EPPD investigators contacted UATPD regarding Kurkowski.

16. UATPD investigators confirmed that Kurkowski had been arrested in early 2021 for the online sexual exploitation of E.K. from the time E.K. was approximately 14 through 18 years old. EPPD investigators learned that Kurkowski and E.K. had traded sexually explicit photographs during that timeframe, and Kurkowski was later found to be in possession of sexually-explicit photographs of E.K. from when E.K. was under the age of 18.

17. On January 5, 2022, EPPD interviewed F.S. regarding his communication with Kurkowski. F.S. said he initially met Kurkowski after creating an account on Grindr in early Fall 2021. Initially F.S. told Kurkowski that he was 18 years old, but after two weeks of communication, F.S. told Kurkowski he was really only 16. F.S. said Kurkowski did not care that he was a minor and Kurkowski actually became more “sexually forward” with F.S. after learning his true age. Kurkowski told F.S. that he needed to register as a sex offender because of a relationship he had with a boy in Pennsylvania named E.K. Kurkowski had “dated” E.K. when he was 13 years old. F.S. and Kurkowski eventually

transitioned their communication to Snapchat and FaceTime, and F.S. deleted his Grindr account. F.S. said he never met Kurkowski face to face, but they regularly engaged in sexual conversations and would also send each other “nudes” online. Kurkowski once talked about saving all of F.S.’s nudes to a server he had on his personal computer. Beyond their sexually-explicit conversations, Kurkowski told F.S. about going to Pennsylvania to kill E.K. and his family. Kurkowski’s level of detail about the plan startled F.S., and he began feeling like Kurkowski might actually follow through with it. F.S. then decided to reach out to E.K. to warn him about Kurkowski’s threats. F.S. eventually realized Kurkowski was “toxic” and a “psychopath.” F.S. blocked Kurkowski on social media.

18. On January 11, 2022, EPPD contacted Cedar Falls (Iowa) Police Department (CFPD) informing them of a juvenile boy in their jurisdiction who was communicating online with an adult male. The EPPD identified the boy as D.F. CFPD investigators determined D.F. was 13 years old and that he was communicating online with Kurkowski.

19. On January 12, 2022, CFPD investigators met with D.F.’s father. After advising D.F.’s father that it was likely D.F. was communicating with an adult male online, D.F.’s father provided CFPD investigators with consent to search two cellular telephones: one was D.F.’s current phone and the other was D.F.’s old phone. CFPD investigators reviewed the phones and observed sexually-explicit photos and videos of D.F. on his cell phone. CFPD investigators observed two specific sexually-explicit videos on D.F.’s old cell phone of D.F.’s penis and buttocks. CFPD investigator also located conversations between D.F. and Kurkowski.

20. On January 18, 2022, D.F. was forensically interviewed at the Allen Child Protection Center. D.F. described an incident where Kurkowski asked him to show him his “ass.” D.F. reported sending Kurkowski a naked photo of himself. D.F. explained that Kurkowski made him feel like he had to send the picture. D.F. also received pictures of Kurkowski that been sent via text message.

21. On February 4, 2022, Owatonna (Minnesota) Police Department (OPD) responded to the residence of Fran Kurkowski (hereafter Fran) regarding a threats complaint involving Kurkowski. Fran is Kurkowski’s grandmother, and she has allowed Kurkowski to live in her home while he is on probation. Fran provided information regarding Kurkowski’s Pennsylvania conviction and an order of protection out of Illinois that had been served recently on Kurkowski. Fran told OPD investigators that Kurkowski has made statements about wanting to kill his prior boyfriends and their families. Fran said on February 3, 2022, she drove Kurkowski to the bus stop at the Owatonna Burger King. Fran thought that Kurkowski was going to New Prague/Savage/Shakopee. Fran said she was told by her granddaughter Michaela Kurkowski (hereafter Michaela) that Kurkowski was on his way to Pennsylvania to kill his ex-boyfriend and his family. Fran told OPD investigators that she used to have rifles in the house but that her son removed the firearms when Kurkowski returned to Minnesota in late October 2021.

22. OPD spoke with Michaela regarding her brother Kurkowski and his plans. Michaela said Kurkowski previously discussed a plan to hurt his ex-boyfriend in Pennsylvania. Michaela believed that Kurkowski was currently stuck in Chicago due to weather and was going to reach out to another ex-boyfriend in East Peoria. Michaela believes that



Kurkowski is capable of harm. When Kurkowski was in jail, he sent a letter in which he plotted revenge. Kurkowski was trying to make Michaela believe that he was in the Twin Cities getting stoned and enjoying his weekend.

23. OPD contacted Greyhound and learned that Kurkowski had purchased a ticket to Harrisburg, Pennsylvania. An FBI Cellular Analysis Survey Team (CAST) member assisted OPD investigators to obtain cell phone records/pings to determine the location of Kurkowski's cell phone. The first ping came in at approximately 8:30 a.m. (Pacific Standard Time) on February 4, 2022, and showed Kurkowski's device located at the Gene Stratton Travel Plaza in Indiana. FBI CAST provided additional ping updates that showed Kurkowski's device continuing eastward. OPD Investigators then determined the next Greyhound stop to be in Toledo, Ohio.

24. Authorities took Kurkowski into custody at the Greyhound stop in Toledo. The following items were found in Kurkowski's bag: Zip ties (16 heavy flex cuffs); electrical tape; a bottle of lubrication; a taser; a large knife; rubber gloves; hooded facemasks; an iPhone SE; personal clothing including t-shirts, sweats, and a change of clothes; approximately \$69 in cash; and credit cards. They also found a hand-written list of individual names. I believe these to be other individuals Kurkowski may intend to threaten or harm.

25. Kurkowski admitted to FBI agents in Ohio that he intended to travel to Upper Allen, Pennsylvania with the intent to go to E.K.'s residence. Kurkowski told agents he has had thoughts to harm E.K. and his family but was unsure if he would actually carry out those thoughts. Kurkowski told agents he felt E.K. betrayed him by breaking up with him

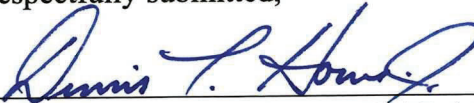
and saying he was not in love with him. Kurkowski was very mad at E.K and told agents he planned to use the flex cuffs in his bag to subdue E.K.

26. Kurkowski was arrested on probable cause of violations of federal law. In addition, there is an outstanding detainer based on his violations of his probation. Kurkowski told agents he knew he was on probation and had stipulations he was required to follow.

### CONCLUSION

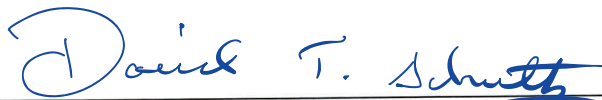
27. Based on the aforementioned facts and my training, experience, and knowledge, there is probable cause to believe that violations of 18 U.S.C. § 875(c) (threatening interstate communication) have been committed by Kurkowski. I respectfully ask for an arrest warrant for Kurkowski.

Respectfully submitted,



DENNIS L. HOWE, JR., SPECIAL AGENT  
FEDERAL BUREAU OF INVESTIGATION

SUBSCRIBED and SWORN before me  
by reliable electronic means (FaceTime and  
email) pursuant to Fed. R. Crim. P. 41(d)(3) on  
6th day of February, 2022.



THE HONORABLE DAVID T. SCHULTZ  
UNITED STATES MAGISTRATE JUDGE